

Message Text

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62

ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 AID-05 CEA-01 CIAE-00

COME-00 EA-06 FRB-01 INR-05 NEA-06 NSAE-00 RSC-01

OPIC-03 SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 SWF-01

OMB-01 L-02 DODE-00 DOTE-00 FMC-01 CG-00 COA-01

DLOS-03 /075 W

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FM USMISSION GENEVA

TO USMISSION OECD PARIS

INFO USMISSION EC BRUSSELS

SECSTATE WASHDC 9513

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E.O. 11652: N/A

TAGS: EWWT, EFIN, OECD

SUBJECT: PAYMENTS COMMITTEE DISCUSSION OF UN LINER CODE

FROM WILLIS

REF: OECD PARIS 28462

OECD PARIS 28559

STATE 265303

WE HAVE JUST ONE FURTHER COMMENT TO ADD TO DISCUSSION IN
REFTELS. BELGIUM POINT ON INCOMPATIBILITY SEEMS A GOOD
ONE, WHICH WE OVERLOOKED IN ASSESSING INCOMPATIBILITY
ISSUE. U.S. TAKES POSITION, CONTRARY TO CHAPTER II IC
REPORT CONCLUSIONS, THAT EXISTING LINER RESTRICTIVE
PRACTICES, PRIVATELY AGREED TO, MAY REQUIRE AFFIRMATIVE
GOVERNMENT ACTION UNDER INVISIBLES CODE TO ELIMINATE THEM.
WHERE SUCH PRIVATE PRACTICES ARE SPECIFICALLY AUTHORIZED--
EVEN ENCOURAGED--BY UN CONVENTION, THEREBY PROHIBITING THE
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AFFIRMATIVE ACTION BY GOVERNMENTS THAT WE BELIEVE IS RE-

QUIRED UNDER INVISIBLES CODE, CONFLICT WITH INVISIBLES
CODE IS THAT MUCH GREATER. THUS, WHILE BELGIUM VIEW
ON CONFLICT COULD BE AGREED TO WHETHER OR NOT ONE TAKES
POSITION INVISIBLES CODE REQUIRES GOVERNMENT ACTION TO
ELIMINATE PRIVATE RESTRICTIVE PRACTICES, BELGIAN POINT
APPLIES A FORTIORI TO THOSE WHO TAKE U.S. POSITION ON
PURELY PRIVATE ARRANGEMENTS. IN COUNCIL DISCUSSION, IF
APPROPRIATE, THIS POINT ALONG WITH OTHERS COULD BE
DEVELOPED; AT ANY RATE, WE SHOULD NOT LEAVE BELGIUM
ALONE HERE.DALE

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To: OECD PARIS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005